

Explanatory Note

Issued by the Authority of the Minister for Broadband,
Communications and the Digital Economy

Telecommunications Act 1997

*Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012
(Amendment No. 1 of 2012)*

Purpose

The purpose of this Instrument is to amend the Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012 (the Original instrument) to clarify its operation.

This Instrument is not a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (see subsections 141A(6) and 144(6) of the Act).

Background

On 10 April 2012, the Minister for Broadband, Communications and the Digital Economy made the Telecommunications (Network Exemption—TransACT Upgraded VDSL Networks) Instrument 2012 which has the purpose of exempting Upgraded VDSL Networks of TransACT Communications Pty Ltd (TransACT) from the requirements under sections 141 and 143 of the Telecommunications Act.

Details

This Instrument amends the Original Instrument by omitting clause 3(d), and substituting a new clause 3(d) - see item 1 of the Schedule.

The new subclause 3(d) is substantially the same as the original clause with one minor change. Consistent with the Explanatory Note to the Original Instrument, subclause 3(d) now specifies the TransACT VDSL Layer 3 Wholesale Interconnection Service, a wholesale service that must be supplied as a condition of the exemption, is offered as an aggregation service to support the aggregation of access services. This clarifies the operation of the TransACT VDSL Layer 3 Wholesale Interconnection Service for affected parties, consistent with the intent set out in the Explanatory Note.

The change aligns this part of the definition of the TransACT VDSL Layer 3 Wholesale Interconnection Service with the definition of the TransACT FTTP Layer 3 Wholesale Interconnection Service under the Telecommunications (Network Exemption—Specified TransACT Networks) Instrument 2012.